

Conference Engrossed

State of Arizona
House of Representatives
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 255

HOUSE BILL 2011

AN ACT

CHANGING THE DESIGNATION OF TITLE 36, CHAPTER 22, ARTICLE 3, ARIZONA REVISED STATUTES, TO "UNEXPLAINED INFANT DEATH"; AMENDING SECTIONS 36-2291, 36-2292, 36-2293 AND 41-1822, ARIZONA REVISED STATUTES; REPEALING SECTION 41-3002.10, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3012.01; RELATING TO THE UNEXPLAINED INFANT DEATH ADVISORY COUNCIL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Heading change

3 The article heading of title 36, chapter 22, article 3, Arizona Revised
4 Statutes, is changed from "SUDDEN INFANT DEATH SYNDROME" to "UNEXPLAINED
5 INFANT DEATH".

6 Sec. 2. Section 36-2291, Arizona Revised Statutes, is amended to read:

7 36-2291. Unexplained infant death advisory council; definition

8 A. The ~~sudden~~ UNEXPLAINED infant death advisory council is established
9 consisting of the following members:

10 1. One county medical examiner who is appointed by the director of the
11 department of health services.

12 2. One professional nurse who is licensed pursuant to title 32,
13 chapter 15 and who is appointed by the director of the department of health
14 services.

15 3. One physician who is licensed pursuant to title 32, chapter 13 or
16 17, who has expertise in ~~sudden~~ UNEXPLAINED infant death syndrome and who is
17 appointed by the director of the department of health services.

18 4. One person who is appointed by the Arizona peace officer standards
19 and training board.

20 5. The state fire marshal or the fire marshal's designee.

21 6. Two persons who have expertise in ~~sudden~~ UNEXPLAINED infant death
22 syndrome and who are appointed by the director of the department of health
23 services.

24 7. Two representatives from an Arizona ~~sudden~~ UNEXPLAINED infant death
25 syndrome organization who are appointed by the director of the department of
26 health services.

27 8. The medical director of the office of emergency medical services.

28 9. One prosecutor who is appointed by the Arizona prosecuting
29 attorneys' advisory council.

30 B. Appointed members serve three year terms.

31 C. The ~~sudden~~ UNEXPLAINED infant death advisory council shall:

32 1. Assist the department of health services in developing ~~sudden~~
33 UNEXPLAINED infant death syndrome training and educational programs.

34 2. Inform the governor and the legislature of the need for specific
35 programs regarding ~~sudden~~ UNEXPLAINED infant death syndrome.

36 3. Approve and periodically review the infant death investigation
37 checklist developed by the department of health services pursuant to section
38 36-2293. In approving and reviewing the checklist, the council shall
39 consider the guidelines endorsed by the national sudden infant death alliance
40 and the national SIDS and infant death program support center ORGANIZATIONS.

41 D. FOR THE PURPOSES OF SUBSECTION C, PARAGRAPHS 1 AND 2 OF THIS
42 SECTION, THE UNEXPLAINED INFANT DEATH ADVISORY COUNCIL MAY ALSO CONSIDER
43 ISSUES RELATING TO STILLBORN INFANTS.

1 D. E. Members of the council are not eligible to receive compensation
2 but are eligible for reimbursement of expenses pursuant to title 38, chapter
3 4, article 2.

4 E. F. Clerical and administrative support for the council shall be
5 provided by the office of maternal and child health.

6 Sec. 3. Section 36-2292, Arizona Revised Statutes, is amended to read:
7 36-2292. Protocols

8 A. The department of health services shall establish protocols for
9 death scene investigations of apparent natural infant deaths. In developing
10 the protocols the department shall consider the guidelines established by the
11 national sudden infant death alliance and the national SIDS and infant death
12 program support center ORGANIZATIONS.

13 B. At a minimum the protocols shall:

14 1. Include recommended procedures for all first responders, law
15 enforcement agencies and local social services agencies to follow in response
16 to apparent natural infant death.

17 2. Recommend that in the course of an investigation of an apparent
18 natural infant death, the scene where the infant was found should be examined
19 even if the infant's body was transported to a hospital and pronounced dead
20 at a hospital.

21 3. Recommend that during the investigation of an apparent natural
22 infant death, investigators should use their skills and knowledge to
23 determine the cause of death while keeping in mind the need for compassion
24 and sensitivity for the parents and caregivers.

25 Sec. 4. Section 36-2293, Arizona Revised Statutes, is amended to read:
26 36-2293. Infant death investigation checklist

27 A. A law enforcement officer who in the regular course of duty
28 investigates an unexplained infant death shall complete an infant death
29 investigation checklist developed by the department of health services and
30 approved by the sudden UNEXPLAINED infant death advisory council.

31 B. The law enforcement officer shall complete the checklist before an
32 autopsy is conducted.

33 C. The officer's law enforcement agency shall retain the original
34 checklist and immediately forward a copy of the checklist to the county
35 medical examiner and the department of health services.

36 D. The department of health services shall develop the checklist in
37 conjunction with the sudden UNEXPLAINED infant death advisory council. In
38 developing the checklist, the department shall consult with law enforcement
39 agencies and consider guidelines endorsed by the national sudden infant death
40 alliance and the national SIDS and infant death program support center
41 ORGANIZATIONS.

42 E. The department shall periodically review and modify the checklist
43 in consultation with the sudden UNEXPLAINED infant death advisory council.

44 F. A law enforcement officer's failure to use the checklist is not a
45 defense to or a basis for dismissal of a criminal prosecution.

1 Sec. 5. Section 41-1822, Arizona Revised Statutes, is amended to read:
2 41-1822. Powers and duties of board; definition

3 A. With respect to peace officer training and certification, the board
4 shall:

5 1. Establish rules for the government and conduct of the board,
6 including meeting times, places and matters to be placed on the agenda of
7 each meeting.

8 2. Make recommendations, consistent with this article, to the
9 governor, the speaker of the house of representatives and the president of
10 the senate on all matters relating to law enforcement and public safety.

11 3. Prescribe reasonable minimum qualifications for officers to be
12 appointed to enforce the laws of this state and the political subdivisions
13 of this state and certify officers in compliance with these qualifications.
14 Notwithstanding any other law, the qualifications shall require United States
15 citizenship, shall relate to physical, mental and moral fitness and shall
16 govern the recruitment, appointment and retention of all agents, peace
17 officers and police officers of every political subdivision of this
18 state. The board shall constantly review the qualifications established by
19 this section and may amend the qualifications at any time, subject to the
20 requirements of section 41-1823.

21 4. Prescribe minimum courses of training and minimum standards for
22 training facilities for law enforcement officers. Only this state and
23 political subdivisions of this state may conduct basic peace officer
24 training. Basic peace officer academies may admit individuals who are not
25 peace officer cadets only if a cadet meets the minimum qualifications
26 established by paragraph 3 of this subsection. Training shall include:

27 (a) Courses in responding to and reporting all criminal offenses that
28 are motivated by race, color, religion, national origin, sexual orientation,
29 gender or disability.

30 (b) Training certified by the director of the department of health
31 services with assistance from a representative of the board on the nature of
32 sudden UNEXPLAINED infant death syndrome and the handling of cases involving
33 the sudden and unexplained death of an infant.

34 (c) Medical information on unexplained infant death for first
35 responders, including awareness and sensitivity in dealing with families and
36 child care providers, and the importance of forensically competent death
37 scene investigations.

38 (d) Information on the protocol of investigation in cases of an
39 unexplained infant death, including the importance of a consistent policy of
40 thorough death scene investigation.

41 (e) The use of the infant death investigation checklist pursuant to
42 section 36-2293.

43 (f) If an unexplained infant death occurs, the value of timely
44 communication between the medical examiner's office, the department of health
45 services and appropriate social service agencies that address the issue of

1 infant death and bereavement, to achieve a better understanding of these
2 deaths and to connect families to various community and public health support
3 systems to enhance recovery from grief.

4 5. Recommend curricula for advanced courses and seminars in law
5 enforcement and intelligence training in universities, colleges and community
6 colleges, in conjunction with the governing body of the educational
7 institution.

8 6. Make inquiries to determine whether this state or political
9 subdivisions of this state are adhering to the standards for recruitment,
10 appointment, retention and training established pursuant to this
11 article. The failure of this state or any political subdivision to adhere
12 to the standards shall be reported at the next regularly scheduled meeting
13 of the board for action deemed appropriate by that body.

14 7. Employ an executive director and other staff as are necessary to
15 fulfill the powers and duties of the board in accordance with the
16 requirements of the law enforcement merit system council.

17 B. With respect to state department of corrections correctional
18 officers, the board shall:

19 1. Approve a basic training curriculum of at least two hundred forty
20 hours.

21 2. Establish uniform minimum standards. These standards shall include
22 high school graduation or the equivalent and a physical examination as
23 prescribed by the director of the state department of corrections.

24 3. Establish uniform standards for background investigations,
25 including criminal histories under section 41-1750, of all applicants before
26 enrolling in the academy. The board may adopt special procedures for
27 extended screening and investigations in extraordinary cases to ensure
28 suitability and adaptability to a career as a correctional officer.

29 4. Issue a certificate of completion to any state department of
30 corrections correctional officer who satisfactorily complies with the minimum
31 standards and completes the basic training program. The board may issue a
32 certificate of completion to a state department of corrections correctional
33 officer who has received comparable training in another state if the board
34 determines that the training was at least equivalent to that provided by the
35 academy and if the person complies with the minimum standards.

36 5. Establish continuing training requirements and approve curricula.

37 C. The board may:

38 1. Deny, suspend, revoke or cancel the certification of an officer who
39 is not in compliance with the qualifications established pursuant to
40 subsection A, paragraph 3 of this section.

41 2. Provide training and related services to assist state, tribal and
42 local law enforcement agencies to better serve the public.

43 3. Enter into contracts to carry out its powers and duties.

1 D. This section does not create a cause of action or a right to bring
2 an action, including an action based on discrimination due to sexual
3 orientation.

4 E. As used in this section, "sexual orientation" means consensual
5 homosexuality or heterosexuality.

6 Sec. 6. Repeal

7 Section 41-3002.10, Arizona Revised Statutes, is repealed.

8 Sec. 7. Title 41, chapter 27, article 2, Arizona Revised Statutes, is
9 amended by adding section 41-3012.01, to read:

10 41-3012.01. Unexplained infant death advisory council;
11 termination July 1, 2012

12 A. THE UNEXPLAINED INFANT DEATH ADVISORY COUNCIL TERMINATES ON JULY
13 1, 2012.

14 B. TITLE 36, CHAPTER 22, ARTICLE 3 IS REPEALED ON JANUARY 1, 2013.

15 Sec. 8. Purpose

16 Pursuant to section 41-2955, subsection B, Arizona Revised Statutes,
17 the legislature continues the unexplained infant death advisory council to
18 promote the reduction of apparent natural infant death in this state and to
19 promote the proper response to and investigation of reports of apparent
20 natural infant death to fully implement Brandon's Law.

21 Sec. 9. Stillborn infant report

22 The department of health services shall submit an annual report of the
23 incidences of stillborn infants and the reported causes of death for the
24 previous year to the governor, the president of the senate and the speaker
25 of the house of representatives and shall provide a copy of this report to
26 the unexplained infant death advisory council, the secretary of state and the
27 director of the Arizona state library, archives and public records.

28 Sec. 10. Retroactivity

29 Sections 6 and 7 of this act are effective retroactively to July 1,
30 2002.

APPROVED BY THE GOVERNOR MAY 21, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 22, 2002.

Passed the House January 29, 2002,

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate April 30, 2002,

by the following vote: 20 Ayes,

5 Nays, 5 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

H.B. 2011

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

HOUSE FINAL PASSAGE
as per Joint Conference

Passed the House May 16, 2002,

by the following vote: 54 Ayes,

1 Nays, 5 Not Voting

[Signature]
Speaker of the House

Sporman L. Moore
Chief Clerk of the House

SENATE FINAL PASSAGE
as per Joint Conference

Passed the Senate May 16, 2002

by the following vote: 28 Ayes,

1 Nays, 1 Not Voting

[Signature]
President of the Senate

Charmian Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor

this 17 day of May, 2002,

at 8:45 o'clock A M.

[Signature]
Secretary to the Governor

Approved this 21st day of

May, 2002,

at 1:42 o'clock P M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE
This Bill was received by the Secretary of State

this 22 day of May, 2002

at 12:13 o'clock P M.

[Signature]
Secretary of State

H.B. 2011